

Greer.	Terrell.
Harrison.	Tillett.
Kerr.	Turney.
Linn of Victoria.	Wayland.
Linn of Wharton.	Woods.
Morriss.	Yantis.
Neal.	Yett.
Ross.	

Nays—none.

Absent.

Bailey.	Rogers.
Gough.	Stafford.
Lewis.	Stone.
Presler.	

Excused.

Boren.	Dibrell.
Bowser.	

Bill read third time, and passed by the following vote:

Yeas—22.

Atlee.	Morriss.
Beall.	Neal.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Terrell.
Goss.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Linn of Victoria.	Yantis.
Linn of Wharton.	Yett.

Nays—none.

Absent.

Bailey.	Presler.
Gough.	Rogers.
Lewis.	Stafford.

Excused.

Boren.	Dibrell.
Bowser.	

By Senator Kerr:

Resolved, that the Sergeant-at-Arms be required to prepare an itemized statement of the postage stamps and newspaper wrappers and postal cards furnished to each Senator, with the orders of Senators therefor, during present session of the Senate, and report the same to the Committee on Contingent Expenses during the present week.

Adopted.

The following report was sent up:

Committee Room,

Austin, Texas, May 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Judicial Districts, to whom was referred

Senate joint resolution No. 20, granting leave of absence from the State of

Texas for sixty days to the Hon. W. M. Allison, judge of the Thirty-third judicial district of Texas.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GOSS, Acting Chairman.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, May 12, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate that the House herewith returns Senate bill No. 331, as requested.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Colquitt, the Senate adjourned to 10 a. m. to-morrow.

NINETY-FIFTH DAY.

Senate Chamber,

Austin, Tex., Thursday, May 13.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Darwin.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Greer.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yantis.
Linn of Wharton.	Yett.

Absent.

Colquitt. Dibrell.

Excused.

Boren.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We pray Thee to bless these faithful men who have been called by the vote of the citizens of this State to this honorable and re-

sponsible position. Give them such clear, comprehensive knowledge of all the doctrines of political economy and the direct needs of their people that their labors may be useful and without mistakes. Bless their loved ones and their private business. Forgive our sins, strengthen our characters, and when this busy life is over advance us to that one that is so full of hope and promise. We ask for Christ's sake. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Yett, the same was dispensed with.

COMMITTEE REPORT.

Committee Room,

Austin, Texas, May 13, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 425, entitled "An act to amend chapter 2, title 10, article 252, of the Revised Civil Statutes of the State of Texas, in regard to wages or compensation for personal services."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Call concluded.

HOUSE MESSAGE.

The following House message was received:

**Hall House of Representatives,
Austin, Texas, May 13, 1897.**

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate that the House has rejected the report of the free conference committee on Senate bill No. 83, known as the Wayland fee bill.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

Upon the reading of the above, Senator Terrell moved that the Senate appoint another free conference committee to consider the differences of the two houses on Senate bill No. 83 (see above), and that the House be requested to do likewise.

The Chair stated that in his opinion the free conference committee appointed to adjust the differences of the two

houses on the Wayland fee bill had exceeded their authority when they submitted as a report an entirely new bill, such action being in contravention to the constitutional rule requiring all bills to be read on three several days. The Chair stated further that it was in order to ask for a new conference committee, and that it would be their duty to consider only the pending measure, to-wit, the Wayland bill. Should the House and Senate desire a new bill on the subject, the proper proceeding would be for each house to appoint a committee of five members each to draft the same and then introduce it as other bills. The Chair stated further that two courses were open to the Senate, either to appoint another conference committee or to concur in the House amendments to the Wayland bill.

Senator Beall moved, as a substitute for Senator Terrell's motion, that the Senate concur in the House amendments to said bill.

Senator Bailey moved to table the motion to concur.

Senator Lewis made the point of order that the motion to concur was not in order for the reason that heretofore the Senate had refused to concur in the said House amendments, and asked for a free conference committee to consider the differences of the two houses on the said bill, which had been granted, and the said committee appointed, and had made its report, that the Senate had not reconsidered its said action, nor had there been a motion made to do so, in the absence of which a motion to concur could not be entertained.

Pending the ruling of the Chair, Senator Beall, with the consent of Senator Bailey, withdrew his motion to concur.

The motion (Senator Terrell's) for a free conference committee then prevailed.

On motion of Senator Wayland, the following report was ordered printed in the Journal:

Committee Room,

Austin, Texas, May 13, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Public Debt beg leave to make the following report on the bonded debt of the State of Texas:

Bonded Debt of the State of Texas, April 8, 1897.

Nature of issue and act authorizing issue.	Bonds issued.	Bonds sold.	When due.	Rate of interest.
Frontier defense bonds, act August 5, 1870.....	\$750,000	\$750,000	40 years.....	7 per ct.
Floating debt bonds, act March 4, 1874.....	1,000,000	1,000,000	30 years.....	7 per ct.
For redemption of State debt, act July 6, 1876	1,675,000	1,648,000	30 years.....	6 per ct.
For retiring outstanding bonds and for deficiency in revenue, act April 21, 1879..	2,573,000	1,117,300	30 years.....	5 per ct.
For retiring outstanding bonds and for deficiency in revenue, act April 21, 1879..	1,000,000	4,620	20 years.....	4 per ct.
For retiring all 7 per cent frontier defense bonds of August 5, 1870, held by individuals, and same sold to special funds, act April 5, 1889	201,000	201,000	30 years.....	5 per ct.
For retirement of past due bonds, act May 2, 1893	152,000	152,000	(*)	5 per ct.
For retirement of past due bonds, act May 2, 1893	334,500	334,500	40 years.....	4 per ct.
Total outstanding bonded indebtedness.....				

* The \$152,000 issued under act May 2, 1893, are payable at the option of the State.

Outstanding Bonds are Held by Special Funds and by Individuals

	Four per cents.	Five per cents.
Permanent school fund	\$229,500	\$229,500
Permanent University fund	840	840
Agricultural and Mechanical College fund.....		
Blind Asylum fund.....	57,000	57,000
Deaf and Dumb Asylum fund.....	18,000	18,000
Lunatic Asylum fund	30,000	30,000
Orphan Asylum fund.....		
Total amount held by special funds.....	\$335,340	\$335,340
Leaving amount held by individuals.....	1,790	1,790
Total bonds outstanding.....	\$337,130	\$337,130

The outstanding bonds held by individuals are of the following series:

Four per cents, act April 21, 1879, due 1899.....
Five per cents, act April 21, 1879, due 1909.....
Seven per cents, act March 4, 1874, due 1904

WAYLAND, Chairman

PENDING BUSINESS.

The Chair laid before the Senate, on third reading,

House bill No. 673, a bill to be entitled "An act to authorize the Houston and Texas Central Railroad Company to purchase and operate the railway extending from a point in or near the town of Bremond, in Robertson county, to a point in or near the town of Ross, in McLennan county, with its franchises and appurtenances, and the railway extending from a point in or near said town of Ross to a point in or near the town of Albany, in Shackelford county, with its franchises and appurtenances, or either of such railways, with its franchises and appurtenances, or any part or parts thereof, and to authorize the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of said Houston and Texas Central Railroad Company, and to regulate reports of such properties and the operations thereof."

Bill read third time, and passed.

Senator Burns moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Rogers, the regular order of business was suspended, to take up on its second reading,

House bill No. 543, entitled "An act to authorize the Galveston, La Porte and Houston Railway Company to acquire by purchase, lease or otherwise, all rights, privileges, franchises and property of the Galveston & Western Railway Company, and to operate, maintain and use the same."

Bill read second time, with favorable majority committee report, also favorable minority report with amendment, to-wit:

Provided, that this act shall not take effect except upon condition that the statute of limitation shall only begin to run from the date of consolidation of said two railway companies under this act against causes of action for damages to property by reason of the operation of cars, engines and trains hereafter on the track or tracks now owned by the Galveston and Western Railway Company in the City of Galveston, and upon the further condition that no causes of action for any such damages shall be barred by any lapse of time heretofore; and before this act shall take effect, each

of said companies shall execute and file for record with the clerk of the county court of Galveston county, an instrument waiving the statute of limitation as to such damages, and agreeing that in any suit brought for such damages within two years from said date of consolidation, neither of said companies will plead the statute of limitation, but will waive the same. (See Journal of May 12.)

Senator Linn of Wharton moved to substitute the minority for the majority report.

(Senator Yett in the chair.)

Lost by the following vote:

Yeas—8.

Darwin.	Linn of Wharton.
Greer.	Stone.
Lewis.	Wayland.
Linn of Victoria.	Yantis.

Nays—15.

Atlee.	Rogers.
Bailey.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Kerr.	Woods.
Morriss.	Yett.
Presler.	

Absent.

Beall.	Dibrell.
Bowser.	Neal.
Burns.	Ross.
Colquitt.	

Excused.

Boren.

The majority report was then adopted by the following vote:

Yeas—17.

Atlee.	Rogers.
Bailey.	Stafford.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Kerr.	Woods.
Morriss.	Yett.
Presler.	

Nays—6.

Greer.	Linn of Wharton.
Lewis.	Wayland.
Linn of Victoria.	Yantis.

Present, not voting.

Burns.

Absent.

Beall.	Dibrell.
Bowser.	Neal.
Colquitt. ✓	Ross.

Excused.

Boren.

(Lieutenant Governor Jester in the chair.)

By Senator Greer:

Provided, that this act shall not take effect except upon condition that the statute of limitation shall only begin to run from the date of consolidation of said two railway companies under this act against causes of action for damages to property by reason of the operation of cars, engines and trains hereafter on the track or tracks now owned by the Galveston and Western Railway Company in the City of Galveston, and upon the further condition that no causes of action for any such damages shall be barred by any lapse of time heretofore; and before this act shall take effect, each of said companies shall execute and file for record with the clerk of the county court of Galveston county, an instrument waiving the statute of limitation as to such damages, and agreeing that in any suit brought for such damages within two years from said date of consolidation, neither of said companies will plead the statute of limitation, but will waive the same.

Senator Rogers made the point of order that the amendment was the same as rejected in the minority committee report.

Sustained.

By Senator Linn of Wharton:

Amend by adding the following section:

Section 5: Section eight (8) of the ordinance of the city of Galveston of March 8, 1889, entitled "Grant to the Galveston and Western Railway Company," which reads as follows:

"Sec. 8. That in the event said railway company shall proceed to construct, maintain and operate a railway over the right of way herein granted, then any other railway company desiring to participate in the ownership and operation of same may do so by paying an equal pro rata of the cost of said railroad over said right of way; and in case said railway companies can not agree upon the cost of said railroad, or upon terms satisfactory among themselves, then the same shall be determined by a board of arbitration, consisting of one arbitrator to be appointed by the city of Galveston, and one arbitrator to be appointed by the railway company or companies owning or operating the same; and, in case of disagreement of said arbitrators, they shall appoint an umpire to decide the matter; and should the said railway company or companies refuse

to appoint an arbitrator when applied to, then, in that case, the city council shall proceed to appoint two arbitrators, who shall proceed to determine the matter as herein before provided. It is the object of this section to make a general railroad over the right of way herein granted, to the end that all railway companies that may now or hereafter terminate in Galveston, so desiring, may acquire equal rights in the ownership and operation of said railroad."

Is hereby validated, sanctioned and confirmed, and the same provisions contained in the ordinance of the city of Galveston granting right of way to the Galveston, La Porte and Houston Railway are hereby validated, sanctioned and confirmed. As a condition precedent to the doing of any act by said companies or either of them under this act, each of said companies shall file with the Secretary of State a resolution by their respective boards of directors, approved by two-thirds of the stockholders of each company, accepting the provisions of this section.

Senator Goss moved to table the amendment.

Senator Terrell moved to adjourn to 3 p. m.

Senator Greer moved to adjourn to 10 a. m. to-morrow.

Lost.

The Senate refused to adjourn to 3 p. m.

The motion to table (Goss') then prevailed.

Senator Greer moved to adjourn to 10 a. m. to-morrow.

Lost.

Bill passed to third reading.

Senator Greer moved to adjourn to 3 p. m.

Senator Lewis moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

Yeas—11.

Atlee.	Stafford.
Darwin.	Stone.
Greer.	Terrell.
Lewis.	Wayland.
Linn of Victoria.	Yantis.
Linn of Wharton.	

Nays—13.

Bailey.	Presler.
Burns.	Rogers.
Goss.	Tillett.
Gough.	Turney.
Harrison.	Woods.
Kerr.	Yett.
Morriss.	

Absent.

Beall.	Dibrell.
Bowser.	Neal.
Colquitt.	Ross.

Excused.

Boren.

The Senate then refused to adjourn to 3 p. m. by the following vote:

Yeas—9.

Darwin.	Turney.
Greer.	Wayland.
Linn of Victoria.	Yantis.
Linn of Wharton.	Yett.
Stone.	

Nays—15.

Atlee.	Morriss.
Bailey.	Presler.
Burns.	Rogers.
Goss.	Stafford.
Gough.	Terrell.
Harrison.	Tillett.
Kerr.	Woods.
Lewis.	

Absent.

Beall.	Dibrell.
Bowser.	Neal.
Colquitt.	Ross.

Excused.

Boren.

Senator Rogers moved that the bill be made special order for to-morrow after call and from day to day.

Lost by the following vote (it being held that it required two-thirds vote):

Yeas—15

Atlee.	Presler.
Bailey.	Rogers.
Burns.	Stafford.
Goss.	Tillett.
Gough.	Turney.
Harrison.	Woods.
Kerr.	Yett.
Morriss.	

Nays—8.

Greer.	Stone.
Lewis.	Terrell.
Linn of Victoria.	Wayland.
Linn of Wharton.	Yantis.

Absent.

Beall.	Dibrell.
Bowser.	Neal.
Colquitt.	Ross.
Darwin.	

Excused.

Boren.

On motion of Senator Stafford, the Senate adjourned to 10 a. m. to-morrow.

NINETY-SIXTH DAY.

Senate Chamber,
Austin, Texas, Friday, May 14.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Neal.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Excused.

Boren.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: Help us to present ourselves a living sacrifice upon the altar of service to Thee and all humanity, and we pray that it may be holy, acceptable to Thee. Forbid that our characters shall be fashioned according to this age, but may they be renewed by the transforming power of Thy good spirit, that we may day by day prove what is that good and acceptable and perfect will of God. Keep us from thinking more highly of ourselves than we ought to think. May we have love without hypocrisy, and abhor that which is evil and cleave to all that is good. May we be diligent in business, fervent in spirit, serving Thee. Bless those who persecute us, and help us to rejoice with those who rejoice and weep with those who weep. Oh! forbid that we should render evil for evil to any man, but may we live at peace with all men. If we have enemies, help us to heap coals of fire upon their heads by deeds of kindness and words of love and sympathy. May we overcome evil with good. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Goss, the same was dispensed with.